

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOSHALYN DARSEN,	:	
individually and on behalf of others	:	
similarly situated,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No.
	:	
COLBEA ENTERPRISES, L.L.C. and	:	
ANDREW DELLI CARPINI	:	
Defendants.	:	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants, Colbea Enterprises, L.L.C. (“Colbea”) and Andrew Delli Carpini (“Mr. Delli Carpini”) (collectively “Defendants”), by and through their undersigned counsel, hereby give notice that they remove to this Court the case pending in the Superior Court for Middlesex County, Massachusetts entitled *Joshalyn Darden v. Colbea Enterprises, L.L.C., et al.* C.A. No. 2381CV01694 (the “Action”), to the United States District Court for the District of Massachusetts. Defendants remove the Action by special appearance without waiving any defenses or objections.

Removal is authorized by 28 U.S.C. §§ 1331 and 1441, and is based on the District Court’s original jurisdiction of claims arising under the laws of the United States. In further support of this Notice, Defendants state:

1. The Action was commenced by Plaintiff, Joshalyn Darden (“Plaintiff”), on June 8, 2023, in the Superior Court for Middlesex County, Massachusetts. Mr. Delli Carpini received service of the Complaint on June 20, 2023, and Colbea received service of the Complaint on June 28, 2023. A true and accurate copy of the Complaint is attached hereto as **Exhibit A.**

2. This Notice of Removal is timely filed with this Court within thirty (30) days of Defendants' receipt of the service of the Complaint on June 20 and 28, 2023, and less than one year has passed since the commencement of this Action. Removal is therefore timely pursuant to 28 U.S.C. § 1446. Defendants consent to the removal of this Action.

3. This Court has original jurisdiction over the Action pursuant to 28 U.S.C. § 1331, and the Action is removable pursuant to 28 U.S.C. § 1441(a) and (b) in that the Complaint includes claims for alleged violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*, which gives rise to this Court's original jurisdiction over actions arising under the laws of the United States. This Court has supplemental jurisdiction over the remaining claims stated in the Complaint.

4. Pursuant to 28 U.S.C. § 1446(d), copies of this Notice of Removal will be promptly filed with the Clerk of the Middlesex County Superior Court and served upon Plaintiff.

Dated: July 10, 2023

Defendants,
 COLBEA ENTERPRISES, L.L.C. and
 ANDREW DELLI CARPINI
 By their attorney,

/s/ Michael D. Chittick
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CERTIFICATE OF SERVICE

In accordance with Local Rule 5.2, I hereby certify that this document filed through the ECF system will be served electronically to the registered participants as identified on the Notice of Electronic Filing [NEF] and paper copies will also be served via email and First-Class U.S. Mail to the registered and non-registered participants on July 10, 2023.

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/s/ Michael D. Chittick _____

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